IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 13427 of 1994

Between:

S. Surya Prakash S/o. late SV Narsaiah, R/o. Mahabubabad,

Warangal Dist.

..... PETITIONER

AND

1 The Secretary to Govt. Finance and Planning (FW.PEN.II), Deptt. AP.

Secretariat, Hyderabad.
2 The Secretary to Government, Education Department, AP Secretariat,

Hyderabad.
3 The District Educational Officer, Govt. A.P., Warangal.
4 The Accountant General (A&E), AP, Khairatabad, Hyderabad - 500463.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pleased to issue a direction, writ or order, one in the nature of Mandamus; a) declaring the action of the Respondent in rejecting petitioner's claim for payment of 50% of the family pension as per rule - 50 of AP., Revised Pension Rules, 1980 these Memo No. 004-B/417/Pen/92 dt. 17.3.93 on the ground that his further has not mentioned his name in pension papers that he is blind as arbitrary and illegal; b) directing the Respondents to release 50% of the family pension to him from the date of commencement of family pension i.e. in the year 1988 and to pay all arrears to the petitioner from that date with interest @ 18% per annum; c) granting all

consequential benefits; d) awarding costs; or any other orders appropriate in the case may be passed.

Counsel for the Petitioner : MR.M.RAMA RAO

Counsel for the Respondents : GP FOR EDUCATION

The Court made the following :

O R D E R:

The petitioner is the son of a deceased employee. The grievance of the petitioner is regarding payment of family pension. The petitioner approached this Court invoking the extraordinary jurisdiction of this Court under Article 226 of Constitution of India.

Since this is a matter relating to the service of a Government employee, the A.P. Administrative Tribunal is the appropriate authority to adjudicate the matter. The Writ Petition cannot be maintained.

The Writ Petition is therefore, dismissed with a liberty to the petitioner to approach the A.P. Administrative Tribunal. The period of pendency of this Writ Petition shall be saved for the purpose of limitation.

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20.08.2004.

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To

1. The Secretary to Govt. Finance and Planning (FW.PEN.II), Dept. AP.

Secretariat, Hyderabad.
2 The Secretary to Government, Education Department, AP Secretariat,

Hyderabad.
3 The District Educational Officer, Govt. A.P., Warangal.
4 The Accountant General (A&E), AP, Khairatabad, Hyderabad - 500463.

5. 2CCs to G.P. for Education, High Court premises, Hyderabad (OUT)

6. 2CD copies